

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

2311 RACING LLC d/b/a 23XI RACING, and
FRONT ROW MOTORSPORTS, INC.,

Plaintiffs,

v.

NATIONAL ASSOCIATION FOR STOCK
CAR AUTO RACING, LLC, NASCAR
HOLDINGS, LLC, NASCAR EVENT
MANAGEMENT, LLC, and JAMES FRANCE,

Defendants.

Civil Action No. 3:24-cv-886-KDB-SCR

ORAL ARGUMENT REQUESTED

NASCAR EVENT MANAGEMENT, LLC,

Counter-Plaintiff,

v.

2311 RACING LLC d/b/a 23XI RACING,
FRONT ROW MOTORSPORTS, INC., and
CURTIS POLK,

Counter-Defendants.

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON
MARKET DEFINITION AND MONOPSONY POWER**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs 2311 Racing LLC d/b/a 23XI Racing and Front Row Motorsports, Inc. respectfully move for partial summary judgment on their claims on the issues of market definition and Defendants' monopsony power.

Plaintiffs have filed this motion for partial summary judgment ahead of trial according to the case schedule and respectfully request that the Court consider it on an expedited basis, so that the issues for trial may be narrowed and the proceedings be simplified.

As set forth more fully in the accompanying Memorandum, the grounds for Plaintiffs' motion for partial summary judgment are as follows:

1. There is no genuine dispute of fact over the existence of Plaintiffs' proposed relevant input market for the services of premier stock car racing teams. Defendants have alleged the existence of the same market in their pleadings, thereby admitting its existence. Even if Defendants are not deemed to have admitted it, they should be estopped from disclaiming its existence, having successfully convinced the court to deny a motion to dismiss their claims on the same market. *See* Dkt. 120, 162. And on the record, Plaintiffs have met their burden to show that the proposed input market for the services of premier stock car racing teams is a relevant market, and NASCAR cannot raise a material factual dispute or triable issue on this point.
2. There is no genuine dispute of fact that NASCAR is, and has been for decades, the sole purchaser in the relevant market, and that the market is characterized by high barriers to entry. A buyer with decades-long, durable dominant market share in a market characterized by high barriers to entry has monopsony power (and necessarily also market power), and Defendants cannot raise a material factual dispute or triable issue on this point. *See E.I. du Pont de Nemours & Co. v. Kolon Indus., Inc.*, 637 F.3d 435, 451 (4th Cir. 2011) (noting that "courts have also focused on the durability of the defendant's market power" in ruling 70% market share by a company that had "long dominated" the relevant market could constitute monopoly power).

WHEREFORE: Plaintiffs hereby respectfully requested that the Court enter partial judgment in favor of Plaintiffs on the issues of market definition and monopoly power on Plaintiffs' claims.

Dated: October 1, 2025

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

No artificial intelligence was employed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in the standard on-line legal research sources Westlaw, Lexis, FastCase, and Bloomberg. Every statement and every citation to an authority in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction (or the party making the filing if acting pro se) as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON MARKET DEFINITION AND MONOPSONY POWER** was electronically filed using the Court's CM/ECF system, which will automatically send notice of filing to all parties of record as follows:

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